

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION

WILLIE J. JACKSON

APPELLANT

V.

CIVIL ACTION NO. 4:19CV00031-NBB

GUARANTY BANK & TRUST COMPANY

APPELLEE

ORDER

This cause comes before the court on appeal from the United States Bankruptcy Court for the Northern District of Mississippi. The bankruptcy court's order of February 15, 2019, which is the subject of this appeal, sets forth a loan repayment schedule to correct the appellant Willie J. Jackson's delinquency in a loan issued to him by the appellee, Guaranty Bank & Trust Company. The appellant argues that said order erroneously requires him to pay one payment of \$3500.00 more than he owes. The record appellant submitted to this court on appeal is scant; so the court directed the bank to address the appellant's assertion. The bank adequately complied by submitting additional briefing and further developing the record to include a broader picture of the appellant's banking transactions. This expanded record indicates that the appellant failed to apprise the court of the full extent of his loan delinquency and the fact that payments he asserted should be applied to later months were correctly being applied to earlier months. Specifically, amounts the appellant asserted should have been applied to his November 2018 payment were properly applied to correct the continued delinquency of his September 2018 and October 2018 payments.

These facts notwithstanding, the bank has now submitted a supplemental response acknowledging that it is willing to forgive the disputed "November 2018 payment" and "agrees that appellant's payments are due beginning in December 2018." The court finds that the bank

has been extremely accommodating to the appellant, and its concession of this issue fully resolves this appeal. The appellant shall be ordered to pay all amounts owed to the bank accumulating from December 2018 until June 2019 within thirty (30) days of entry of an order in the bankruptcy court in accordance with this order. If the appellant fails to comply within the specified period, the bank may institute foreclosure proceedings immediately upon the expiration of said period.

As the full development of the record revealed that the bankruptcy court was not in error, the bankruptcy court's ruling is hereby AFFIRMED. The bank's concession, however, results in a necessary alteration of the bankruptcy court's original order. This case is therefore remanded to the bankruptcy court for entry of an order in accordance with this order.

SO ORDERED AND ADJUDGED this 21st day of June, 2019.

/s/ Neal Biggers

NEAL B. BIGGERS, JR.

UNITED STATES DISTRICT JUDGE